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Cindy Chickara

October 31, 2001

PATENT

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Patent Application of : Group Art Unit 1655
Susan J. Kirst, et al. :
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Appln. No.: 09/596,194 : Examiner: Janell T. Cleveland
:
Filed: June 16, 2000 : Confirmation No.: 2288
:
For: NOVEL GENES ENCODING PROTEINS : Attorney Docket
HAVING DIAGNOSTIC, PREVENTIVE : No. 10147-11U1
THERAPEUTIC, AND OTHER USES : (MBI099-054CP1)

**RESPONSE TO RESTRICTION REQUIREMENT
AND
PRELIMINARY AMENDMENT**

This paper is filed in response to the Restriction Requirement dated July 31, 2001 (Paper No. 7). This paper includes both a Response to the Restriction Requirement and a corresponding Preliminary Amendment, which the Applicants request the Examiner to enter. This paper is timely filed by virtue of the enclosed Petition for a Two-Month Extension of Time, which extends the period available for responding to the Restriction Requirement through and including October 31, 2001.

Response to Restriction Requirement

In response to the Restriction Requirement, the Applicants elect, without traverse, the claims of **Group I** (claims 1-7 and 16-18) for prosecution on the merits.

The Examiner also requires restriction to a single nucleotide sequence or a pair of corresponding nucleotide and amino acid sequences. The Applicants elect SEQ ID NO: 59 (a nucleotide sequence) and SEQ ID NO: 61 (the amino acid sequence encoded by SEQ ID NO: 59). This election is made with traverse. The Applicants traverse on the grounds that SEQ ID NO: 59 completely includes SEQ ID NO: 60 within its sequence and SEQ ID NO: 61 completely includes SEQ ID NOs: 62 and 63 within its sequence. The Applicants respectfully request that